

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2014-322-C - ORDER NO. 2014-

October \_\_\_, 2014

IN RE: Application of <b>ANPI, LLC</b> for a Certificate	) ORDER GRANTING
of Public Convenience and Necessity for	) REQUEST FOR
Authority to Provide Wholesale Local	) EXPEDITED REVIEW
Exchange Telecommunications Services,	) AND APPLICATION FOR
including Exchange Access, Statewide, and	) AUTHORITY TO
for its for local Exchange Service Offerings to	) PROVIDE LOCAL
be Regulated in Accordance With Procedures	) EXCHANGE SERVICES
First Authorized for NewSouth	)
Communications in Order No. 98-165 in	)
Docket No. 97-467-C	)

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of the Application of ANPI, LLC (“ANPI” or “the Company”) requesting the authority to provide wholesale local exchange service in South Carolina. The Commission has previously granted ANPI authority to provide intrastate interexchange telecommunications services within the State of South Carolina in Docket No. 2011-262-C.

Further, ANPI requests that the Commission regulate its local exchange telecommunications services in accordance with the principles and procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C.

The Application of ANPI was filed pursuant to S.C. Code Ann. Section 58-9-280, and the Rules and Regulations of the Commission.

The Commission's Docketing Department instructed ANPI to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was received from the South Carolina Telephone Coalition ("SCTC") on September 2, 2014.

On September 10, 2014, counsel for the SCTC filed with the Commission an executed Stipulation in which ANPI stipulated that it would seek authority only in non-rural local exchange carrier ("LEC") service areas of South Carolina and not provide any local service to any customer located in a rural incumbent's service area, unless and until ANPI provided written notice of its intent prior to the date of the intended service. ANPI also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. ANPI agreed to abide by all State and Federal laws and to participate to the extent that ANPI may be required to do so by the Commission to support universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of statewide Certificates of Public Convenience and Necessity to ANPI provided the conditions contained in the Stipulation are met.

On September 2, 2014, ANPI provided the Commission with the Verified Testimony of Joseph O' Hara, ANPI's Chief Financial Officer, and evidence that the Company possesses the financial, operational, and managerial resources required to provide high quality local exchange telecommunications services at competitive rates, terms and conditions.

On September 11, 2014, ANPI subsequently filed a Request for Expedited Review.

### **FINDINGS OF FACT**

1. ANPI is organized as a limited liability company under the laws of the State of Delaware and is authorized to do business as a foreign corporation in the State of South Carolina by the Secretary of State. The Company's corporate headquarters are located in Springfield, IL.

2. ANPI was authorized to operate as a provider of interexchange telecommunications by this Commission in Docket No. 2011-262-C and now wishes to expand its services to include local exchange services.

3. The Commission finds that ANPI possesses the necessary experience, capability, and financial resources to provide local exchange telecommunications in South Carolina. S.C. Code Ann. Section 58-9-280(B)(1).

4. The Commission finds that ANPI will support universally available telephone service at affordable rates. S.C. Code Ann. Section 58-9-280(B)(4).

5. The Commission further finds that ANPI will provide communications services that will meet the service standards of the Commission. S.C. Code Ann. Section 58-9-280(B)(2).

6. The Commission finds that the provision of local exchange service by ANPI "does not otherwise adversely impact the public interest." S.C. Code Ann. Section 58-9-280(B)(5).

7. Following ANPI's execution of a Stipulation with the SCTC, the SCTC withdrew its opposition to the Application. No further protests or Motions for Intervention were filed in this matter. By ANPI's Request for Expedited Review, the Applicant has waived its right to a formal hearing under S. C. Code Ann. Sec. 58-9-280.

### **CONCLUSIONS OF LAW**

1. The Commission concludes that ANPI possesses the managerial, technical, and financial resources to provide the competitive local exchange telecommunications services as described in its Application.

2. The Commission concludes that ANPI's "provision of service will not adversely impact the availability of affordable local exchange service."

3. The Commission concludes that ANPI will participate in the support of universally available telephone service at affordable rates to the extent that ANPI may be required to do so by the Commission.

4. The Commission concludes that ANPI will provide services that will meet the service standards of the Commission.

5. The Commission concludes that the provision of local exchange service by ANPI will not otherwise adversely impact the public interest.

6. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to ANPI to provide competitive intrastate local exchange services only to customers located in the non-rural areas of the state. The terms of the Stipulation between ANPI and SCTC are approved, and adopted as a part of this Order. Therefore, any proposal to provide local

telecommunications service to rural service areas is subject to the terms of the Stipulation.

7. The Commission concludes ANPI's local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for ANPI's competitive local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been previously approved by the Commission. Further, ANPI's local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

8. If, and at such time as, ANPI offers retail residential local exchange service, the Company shall comply with 10 S.C. Code Ann. Regs. 103-607 (2013).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. ANPI's Request for Expedited Review is granted on the basis of the facts as stated in this Order and on the basis that ANPI has previously been found fit to provide telecommunications services in South Carolina (See Order No. 2011-764) and the instant Application seeks merely to expand that authority to include local exchange services.

2. A Certificate of Public Convenience and Necessity is granted to ANPI to provide competitive local exchange telecommunications services.

3. The terms of the Stipulation between ANPI and the SCTC are approved and adopted as a part of this Order. The Stipulation is attached as Order Exhibit 1. Any proposal to provide competitive local exchange telecommunications services to rural service areas is subject to the terms of this Stipulation.

4. ANPI shall file, prior to offering local exchange services in South Carolina, an electronic version of its local service tariff with the Commission and ORS within 30 days of receipt of this Order.

5. In the event that ANPI offers or provides any service that would implicate Title 23, Chapter 47 of the South Carolina Code Annotated, ANPI is required to comply with that Title and Chapter, which governs the establishment and implementation of a “Public Safety Communications Center,” which is more commonly known as a “911” system or “911 service.” Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, in the event ANPI offers or provides the appropriate services, the Commission hereby instructs ANPI to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate 911 service authorities is to be made before providing voice or dial-tone services in South Carolina. Located on the homepage of this Commission’s website at [www.psc.sc.gov](http://www.psc.sc.gov) is a “Quick Link” column. One of the tables in this column is called “E-911 Information.” Clicking on this tab will provide a list of county and city E-911 coordinators with contact information. By this Order and prior to providing voice or dial-tone services in South Carolina, ANPI shall

contact the 911 coordinator in each county (and city where the city has its own 911 system) and shall provide information regarding the Company's operations as required by the 911 system.

6. If it has not already done so by the date of issuance of this Order, ANPI shall file its revised tariff utilizing the Commission's e-filing system for tariffs. The revised tariff should be electronically filed in a text searchable PDF format using the Commission's DMS System (<http://dms.psc.sc.gov>). An additional copy should be sent via email to [etariff@psc.sc.gov](mailto:etariff@psc.sc.gov) to be included in the Commission's ETariff System (<http://etariff.psc.sc.gov>). Future revisions to the tariff should be made using the ETariff System. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

7. ANPI is required to file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of South Carolina specific information. Therefore, ANPI shall keep financial records on its South Carolina operations to comply with the annual report and a gross receipts report. The proper form for filing annual financial information can be found on the Commission's website or at the ORS's website at [www.regulatorystaff.sc.gov](http://www.regulatorystaff.sc.gov). The title of this form is "Telecommunications Company Annual Report." This form shall be utilized by the Applicant to file annual financial information as directed by the Commission or ORS and shall be filed no later than April 1st.

Commission gross receipts forms are due to be filed no later than August 31<sup>st</sup> of each year. The proper form for filing gross receipts information can be found at the ORS website [www.regulatorystaff.sc.gov](http://www.regulatorystaff.sc.gov) and the appropriate form is entitled “Gross Receipts Form.”

Each telecommunications company certified in South Carolina is required to file annually with the ORS the South Carolina Universal Service Fund Contribution (“USF”) worksheet, which may be found on the ORS’s website at [www.regulatorystaff.sc.gov](http://www.regulatorystaff.sc.gov). This worksheet provides ORS information required to determine each telecommunications company’s liability to the State USF fund. The State USF worksheet is due to be filed annually no later than July 1<sup>st</sup> with the ORS.

8. ANPI shall conduct its business in compliance with Commission decisions and Orders, both past and future.

9. By its Application, ANPI requested a waiver of 26 S.C. Code Ann. Regs. 103-610 requiring the Company to maintain its financial books and records within the State of South Carolina. However, as a condition of being granted a waiver of the requirement to maintain corporate books and records within the State of South Carolina, ANPI is authorized to maintain its books and records at its principal place of business, and ANPI shall make such books and records available, at the Company’s expense, to the Commission staff or the Office of Regulatory Staff upon request. The Company is directed to comply with all Rules and Regulations of the Commission, unless the Commission specifically waives compliance with a regulation.



10. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

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Nikiya Hall, Chairman

ATTEST:

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Swain E. Whitfield, Vice Chairman

(SEAL)